

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 JACOB SAUL STUART,

13 Defendant.

CASE NO. CR11-0120-JCC

ORDER

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15 This matter comes before the Court on Defendant's *pro se* motion for compassionate
16 release and Defendant's amended motion for compassionate release (Dkt. Nos. 1223, 1228), the
17 parties' motions to seal (Dkt. Nos. 1229, 1237), and the Government's motion for leave to file an
18 overlength brief (Dkt. No. 1234). Having considered the parties' briefing and the relevant record,
19 the Court hereby DENIES Defendant's motions for compassionate release (Dkt. Nos. 1223,
20 1228) and GRANTS the parties' motions to seal and the Government's motion to file an
21 overlength brief (Dkt. Nos. 1229, 1234, 1237) for the reasons explained herein.

22 **I. BACKGROUND**

23 Defendant is currently serving a 180-month sentence following 2011 guilty pleas on
24 counts of conspiracy to distribute controlled substances and conspiracy to commit money
25 laundering. (Dkt. Nos. 472, 878.) Before the Court are Defendant's *pro se* motion and counsel's
26 amended motion for compassionate release (Dkt. Nos. 1223, 1228). Defendant asserts that his

1 need to care for his mother represents sufficiently extraordinary and compelling circumstances to
 2 justify the Court's consideration of a reduced sentence. (*See generally* Dkt. Nos. 1223, 1228.)

3 II. DISCUSSION

4 A. Defendant's Motion for Compassionate Release

5 A court may reduce a term of imprisonment if "extraordinary and compelling reasons
 6 warrant such a reduction" and "such a reduction is consistent with applicable policy statements
 7 issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A). The Sentencing
 8 Commission's relevant policy statement adds that a court may reduce a term of imprisonment if
 9 "the defendant is not a danger to the safety of any other person or to the community." United
 10 States Sentencing Guidelines ("U.S.S.G.") § 1B1.13. The policy statement also directs courts to
 11 consider the factors set forth in 18 U.S.C. § 3553(a). U.S.S.G. § 1B1.13 cmt. n.4. Taken together,
 12 the policy statement and 18 U.S.C. § 3582(c)(1)(A) establish three requirements that must be
 13 satisfied before reducing a defendant's sentence: extraordinary and compelling reasons must
 14 warrant release, a defendant cannot represent a danger to the community upon release, and any
 15 reduction in the defendant's sentence must be consistent with 18 U.S.C. § 3553(a). *See* 18 U.S.C.
 16 § 3582(c)(1)(A); U.S.S.G. § 1B1.13. "A defendant seeking a reduction in his terms of
 17 imprisonment bears the burden to establish both that he has satisfied the procedural prerequisites
 18 for judicial review and that compelling and extraordinary reasons exist to justify compassionate
 19 release."¹ *U.S. v. Holden*, 452 F. Supp. 3d 964, 969 (D. Or. 2020).

20 The Sentencing Commission's policy statement lists four categories of cases where
 21 extraordinary and compelling reasons warrant a reduction in a defendant's sentence, *see* USSG
 22 § 1B1.13 cmt. n.1, none of which include caring for a parent. Defendant asks the Court to look
 23 beyond the Commission's policy statement, arguing that the First Step Act "freed district courts
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25 ¹ Defendant presented a request for compassionate release to the warden of his facility on
 26 May 12, 2020. (Dkt. No. 1228-4.) Thus, Defendant has satisfied the exhaustion requirement of
 18 U.S.C. 3582(c)(1)(A).

1 to consider the full slate of extraordinary and compelling reasons that an imprisoned person
 2 might bring before them in motions for compassionate release.”” (Dkt. No. 1228 at 8 (quoting
 3 *U.S. v. Brooker*, 976 F.3d 228, 237 (2d Cir. 2020).) The Court declines to consider doing so here
 4 because Defendant fails to carry his burden in demonstrating that his mother is truly
 5 incapacitated and that Defendant is the only possible caregiver. Defendant admits, for example,
 6 that his mother’s husband, while dealing with his own health issues, is presently able to provide
 7 at least some assistance to his mother. (*See* Dkt. Nos. 1223, 1242-1.) Nor is it clear to the Court
 8 why Defendant’s spouse cannot care for his mother. She allegedly intends to move to Arizona
 9 with Defendant in the event his motion is granted. (*See* Dkt. No. 1228 at 2; *see also* Dkt. No.
 10 1242-1 (declaration from Defendant’s mother indicating that Defendant’s “wife could assist me
 11 as well to take the burden off [Defendant]”).) Therefore, Defendant fails to carry his burden to
 12 establish extraordinary and compelling circumstances, assuming such circumstances include
 13 caring for an ailing parent. The Court need not consider the remaining requirements for a
 14 reduction in sentence, namely whether Defendant would be a danger to the community upon
 15 release and whether a reduction in Defendant’s sentence would be consistent with 18 U.S.C.
 16 § 3553(a). 18 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13.

17 **B. Motion to File Overlength Brief and Motions to Seal**

18 The Government moves to file a 15-page brief in response to Defendant’s motions (Dkt.
 19 No. 1234). A brief of this length is reasonable given that the Government is responding to 24
 20 pages of combined briefing from Defendant, between his original and amended motions. (*See*
 21 Dkt. Nos. 1223, 1228.) The parties also move to maintain some of Defendant’s exhibits and the
 22 Government’s response under seal (Dkt. Nos. 1229, 1237). The Court starts from the position
 23 that “[t]here is a strong presumption of public access to [its] files.” W.D. Wash. Local Civ. R.
 24 5(g)(3); *see also Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). To overcome that
 25 presumption, a party seeking to seal a judicial record must show “compelling reasons” to seal the
 26 record if it relates to a dispositive pleading. *Kamakana v. City and Cty. of Honolulu*, 447 F.3d

1 1172, 1180 (9th Cir. 2006). Here, the filings at issue contain personal information that should not
2 be available to the public. There is a compelling interest in maintaining the confidentiality of this
3 information and that interest outweighs the public's interest in its disclosure. *See Kamakana*, 447
4 F.3d at 1179.

5 **III. CONCLUSION**

6 For the foregoing reasons, the Court DENIES Defendant's motions for compassionate
7 release (Dkt. Nos. 1223, 1228) and GRANTS the Government's motion to file an overlength
8 brief and the parties' motions to seal (Dkt. Nos. 1229, 1234, 1237). The Clerk is DIRECTED to
9 maintain Docket Numbers 1230 and 1235 under seal until further order of the Court.

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11 DATED this 30th day of November 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE